

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Houston Division

United States Courts
Southern District of Texas
FILED

AUG 03 2020

David J. Bradley, Clerk of Court

Michael Palma

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Harris County Appraisal District, Christine Weems

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 4:20mc2217

*(to be filled in by the Clerk's Office)*Jury Trial: *(check one)* ☐ Yes ☒ No

SECOND AMENDED

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Michael-Francis Palma
Street Address	5026 Autumn Forest
City and County	Houston Harris County
State and Zip Code	Texas 77091
Telephone Number	713-263-9937
E-mail Address	mpalma1@gmail.com

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B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name	Harris County Appraisal District via Roland Altinger
Job or Title <i>(if known)</i>	HCAD Chief Appraiser
Street Address	13013 Northwest Freeway
City and County	Houston Harris County
State and Zip Code	Texas 77040
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Christine Weems
Job or Title <i>(if known)</i>	281 st State District Court Judge
Street Address	Harris County Civil Courthouse, 201 Caroline, 14th Floor
City and County	Houston Harris County
State and Zip Code	Texas 77002
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	

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E-mail Address *(if known)***II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Fourth, Fifth and Fourteenth Amendments
and Section 1443 Title 28 United States Code.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)*

State of *(name)*

, is a citizen of the

b. If the plaintiff is a corporation

The plaintiff, *(name)*

under the laws of the State of *(name)*

and has its principal place of business in the State of *(name)*

, is incorporated

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

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The defendant, *(name)* , is a citizen of
the State of *(name)* . Or is a citizen of
(foreign nation)

b. If the defendant is a corporation

The defendant, *(name)* , is incorporated under
the laws of the State of *(name)* , and has its
principal place of business in the State of *(name)* .
Or is incorporated under the laws of *(foreign nation)* .
and has its principal place of business in *(name)* .

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- 1) Appraisal District failed to provide critical state constitutional list and statutory definition thereby falling outside of its qualified constitutional and statutory guidelines.
- 2) State judge abused discretion by not producing the same list and definition in a findings of facts, violating due process.
- 3) Both state district and appellate court judges receive stipends from Harris County thereby having the appearance of impropriety, bias and partiality.
- 4) Failing to provide the above responses leads to an unreasonable seizure, deprivation of life, liberty and property without due process, and other violations under Section 1983 Title 42.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff is requesting that this Court, if the two defendants will not or refuse to provide the list and definition requested in the questions below, certify two questions to the Texas Supreme Court:

- 1) Provide a list of properties that are "exempt as required" under Section 1(b) Article 8 Texas Constitution with the corollary of what properties are "exempt by law" under Section 11.01 of the Texas Tax Code.
- 2) Provide the definition of phrase of art "located in this state" under Sections 11.01 and 11.02 of the Texas Tax Code.

Enclosed as an attachment is the Plaintiff's request for the Findings of Fact and Conclusions of law (FOFCOL) Also tendered but not enclosed as an attachment is the notice of past due FOFCOL. As of this date there has been no answer provided by the state court.

Without said relief Plaintiff is being denied due process thereby causing an unreasonable seizure and other rights violations.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

7/31/20

Signature of Plaintiff



Printed Name of Plaintiff Michael Palma

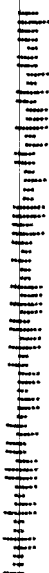
B. For Attorneys

Date of signing:

DALE
526 Astor
Houston TX 77004

David J. Bradley
Clerk of the Court
PO Box 61010
Houston Texas 77208

77208-101010



NORTH HOUSTON TX 77060
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Southern District of Texas
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David J. Bradley, Clerk of Court

2nd Amended Complaint
4:20-cv-02743